

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ULIOUS BROOKS,	:	Case No. 1:15-cv-812
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
SGT MIKE DILLOW, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 74)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on November 2, 2016, submitted a Report and Recommendation. (Doc. 74). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly,

1. Defendant's motion for summary judgment (Doc. 59) is **GRANTED** as to the retaliation claim based on Plaintiff's failure to exhaust, but denied as to the excessive force claim due to Plaintiff's exhaustion of that claim;

2. Notwithstanding the denial of judgment based upon a failure to exhaust, Defendants' construed motion for summary judgment on the merits of the excessive force claim (Doc. 58) is **GRANTED**;
3. Plaintiff's motions for summary judgment (Docs. 34, 36) are **DENIED**;
4. As the information contained in Plaintiff's motions to submit evidence in opposition to summary judgment (Docs. 65, 67) was considered by both the magistrate judge in formulating her Report and Recommendation and by this Court in adopting that Report and Recommendation, those motions (Docs. 65, 67) are **GRANTED**;
5. All remaining motions filed by Plaintiff (Docs. 46, 54, 55, 57, 68, 69, 70, 71) are **DENIED AS MOOT**;
6. The Clerk shall enter judgment accordingly and this case is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 12/2/16

s/Timothy S. Black
Timothy S. Black
United States District Judge